

Message Text

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ORIGIN ARA-06

INFO OCT-01 SSO-00 ISO-00 /007 R

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DRAFTED BY: ARA/CEN/CR:MMBOVA:HLB

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TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 166828

STADIS

LIMDIS FOR ROBERT ROSENSTOCK US LEGAL DIVISION ONLY

FOLLOWING TEL FROM SAN JOSE DATED 7/2/76 SENT ACTION SECSTATE
REPEATED FOR YOUR INFO

QUOTE:

C O N F I D E N T I A L SAN JOSE 3242

STADIS

LIMDIS

E.O. 11652: GDS

TAGS: PFOR PGOV CS

SUBJ: VESCO CASE: RETENTION OF ATTORNEY

REF: STATE 161032

1. AS EXPECTED, PICADO DECLINED OFFER TO TAKE VESCO
EXTRADITION CASE. HE WAS FLATTERED, BUT CITED HIS AGE
AS PRIME REASON FOR REFUSAL. HE ALSO MENTIONED THAT HIS
FAMILY HAS EXPRESSED THEIR OPPOSITION FOR HIM TO TAKE ON
VESCO CASE BECAUSE OF THEIR FEAR OF RETALIATION AGAINST
HIM OR THEM. PICADO DID OFFER TO CONSULT WITH EMBASSY
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ATTORNEY, ONCE HE IS CHOSEN, OR TO REVIEW DOCUMENTS

INDEPENDENTLY TO BE OF ASSISTANCE.

2. EDUARDO ORTIZ WILL PROVIDE EMBASSY HIS DECISION BY JULY 6 AFTER CONSULTATING WITH HIS FAMILY. HE SAYS HE WANTS TO TAKE THE CASE, BUT HIS ONLY HESITATION IS HIS WIFE'S ALREADY EXPRESSED CONCERN ABOUT POSSIBLE RETALIATION, INCLUDING POSSIBLE PHYSICAL THREAT, FROM THE VESCO CAMP.

3. PER REFTTEL, AMBASSADOR REVIEWED WITH ORTIZ THAT RESEARCH QUESTIONS AND TRIP TO US WOULD BE FIRST ORDER OF BUSINESS IF HE TOOK CASE. ORTIZ AGREED. ORTIZ WANTED TO KNOW IF USG HAD DEFINITELY DECIDED TO GO AHEAD WITH EXTRADITION REQUEST. AMBASSADOR RESPONDED AFFIRMATIVELY-- UNLESS ORTIZ, AS OUR LAWYER, AND AFTER CONSULTATION WITH USG LAWYERS, CONCLUDES THAT THERE IS NO REPEAT NO POSSIBILITY FOR EXTRADITION WITH THE CASE WE NOW HAVE. ORTIZ WANTED TO KNOW IF WE WOULD BE WILLING TO PROVIDE HIM WITH A LETTER OR CONTRACT STATING THAT HE WOULD BE THE USG LAWYER FOR THE VESCO EXTRADITION. AMBASSADOR REPLIED AFFIRMATIVELY.

4. ORTIZ STATED HE ASSUMED THAT IF HE TOOK CASE THAT HE WOULD BE ABLE TO PUT TOGETHER TEAM OF ONE OR TWO ADDITIONAL LAWYERS OF HIS CHOOSING. HE WAS ASSURED THAT HE COULD.

5. ORTIZ ASKED USG TO CONSIDER WHETHER FACT THAT A SUIT IS NOW BEING PREPARED, WITH HIS INVOLVEMENT AS RESEARCHER, FOR EXPULSION OF VESCO FOR ILLEGAL POLITICAL CONTRIBUTIONS IN 1974 ELECTIONS WOULD INTERFERE WITH POSSIBLE USG EXTRADITION ATTEMPT. AMBASSADOR PROMISED TO RAISE MATTER WITH WASHINGTON, BUT EXPRESSED VIEW THAT THERE WOULD BE NO PROBLEM SINCE USG'S INTEREST IS TO HAVE VESCO APPEAR BEFORE US COURT REGARDLESS OF WHICH COUNTRY HE PROCEEDS FROM.

6. RE FEES, ORTIZ SAID THAT HE WILL PROVIDE FIGURES FOR PRIOR RESEARCH AND CONSULTATION IF HE TAKES THE CASE. HOWEVER, ORTIZ SAID HE WOULD NOT CONSIDER REMUNERATION ON AN HOURLY BASIS FOR HANDLING THE EXTRADITION EFFORT
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SHOULD IT MATERIALIZE; HE WOULD QUOTE A FLAT HONORARIUM.

7. COMMENT: MEETING WITH ORTIZ WENT EXCEPTIONALLY WELL. ORTIZ IS ENTHUSED ABOUT POSSIBILITY OF FINALLY MOVING AGAINST VESCO, AND THE CASE BEING HIS, UNLESS ORTIZ' WIFE IS ADAMANTLY OPPOSED TO HIS INVOLVEMENT, WE THINK WE HAVE A LAWYER. TODMAN UNQUOTE ROBINSON

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, ATTORNEYS, EMBASSIES
Control Number: n/a
Copy: SINGLE
Draft Date: 06 JUL 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE166828
Document Source: CORE
Document Unique ID: 00
Drafter: ARA/CEN/CR:MMBOVA:HLB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760260-0527
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760787/aaaacyqa.tel
Line Count: 114
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 76 STATE 161032
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 26 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26 APR 2004 by GarlanWA>; APPROVED <27 OCT 2004 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: VESCO CASE: RETENTION OF ATTORNEY
TAGS: PFOR, PGOV, CS, (VESCO, ROBERT L)
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006